

DENNIS ROGGE,)
)
 Petitioner,)
)
 vs.)
)
 DARRELL ADAMS, Warden,)
)
 Respondent.)

No. C 03-1159 JSW (PR)

**ORDER DENYING REQUEST FOR
CERTIFICATE OF APPEALABILITY**

(Docket No. 28)

Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. On August 6, 2003, the Court ordered Respondent to show cause why a writ should not issue. Respondent filed an answer on January 9, 2004. Petitioner filed a traverse on May 25, 2005. On May 15, 2006, the Court entered an order and judgment denying the petition on the merits.

On June 9, 2006 Petitioner filed a timely notice of appeal. On June 12, 2006 Petitioner filed a motion for an extension of time to file his request for a certificate of appealability, which the Court granted. On July 18, 2006, Petitioner filed his Request for a Certificate of Appealability.

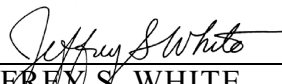
A certificate of appealability is DENIED because Petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner has not demonstrated that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

1 The clerk shall forward the case file with this order to the United States Court of
2 Appeals for the Ninth Circuit, from which Petitioner may also request a certificate of
3 appealability. *See United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

4 IT IS SO ORDERED.

5 DATED: August 28, 2006

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JEFFREY S. WHITE
United States District Judge